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GENERAL STATUTES OF  
MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES  
AND OTHER LAWS OF A GENERAL AND PERMANENT  
NATURE, ENACTED BY THE LEGISLATURE  
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

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WEST PUBLISHING CO.

1918

**7604. Return—Evidence, when included—**

134-475, 159+751.

**7605. Appeals, how tried—Judgment—**

On appeal to the district court on questions of law alone, the cause is tried on the evidence returned; and where such evidence does not support a verdict for plaintiff, but discloses a want of meritorious cause of action, it is proper to order judgment for defendant (125-300, 146+1100). Justices of the Peace, Ⓒ189(4).

**7609. Defective bond—**

This section does not apply, so as to require the granting of a motion to docket an appeal in the district court, where no bond was filed within the time required by § 7602, there being no motion to dismiss and no application to the district court to approve a bond (134-475, 159+751). Justices of the Peace, Ⓒ159(1).

**CONTEMPTS****7615. Proceedings—Punishment—**

The maximum sentence that can be imposed by the Minneapolis municipal court for a direct contempt is a fine of \$20 or two days' imprisonment in the county jail (125-304, 146+1102). Contempt, Ⓒ72.

**CHAPTER 76****FORCIBLE ENTRY AND UNLAWFUL DETAINER**

**7657. Forcible entry or detainer—Restitution—**When any person has made unlawful or forcible entry into lands or tenements, and detains the same, or, having peaceably entered, unlawfully detains the same, he shall be fined, and the person entitled to the premises may recover possession thereof in the manner hereinafter provided. (Amended '17 c. 227 § 1)

Unlawful detention, unaccompanied with force, where the original possession was taken peaceably and under claim of right, is not sufficient to authorize proceedings under this section; ejectment being the proper remedy (127-93, 148+893, Ann. Cas. 1916C, 493). Forcible Entry and Detainer, Ⓒ5.

**7658. Tenant, etc., holding over—Removal—**When any person holds over lands or tenements after a sale thereof on an execution or judgment, or on foreclosure of a mortgage and expiration of the time for redemption, or after termination of contract to convey the same, or after termination of the time for which they are demised or let to him or to the persons under whom he holds possession, or contrary to the conditions or covenants of the lease or agreement under which he holds, or after any rent becomes due according to the terms of such lease or agreement, or when any tenant at will holds over after the determination of any such estate by notice to quit, in all such cases the person entitled to the premises may recover possession thereof in the manner hereinafter provided. (Amended '17 c. 227 § 2)

123-534, 150+1102.

A lease of a farm held not one for two seasons (123-377, 143+978). Landlord and Tenant, Ⓒ95.

Proceedings under this section cannot be maintained against a person who peaceably and under claim of right entered into possession and does not forcibly detain the same (127-93, 148+893, Ann. Cas. 1916C, 493, following and applying 19-174 [Gil. 137]). Forcible Entry and Detainer, Ⓒ4.

**7666. Writ of restitution—Effect of appeal—**

Cited (123-377, 143+978).

**7667. Appeal—Stay—**

Where defendants, in their answer, alleged that a writ of restitution was refused on the sole ground that this section did not apply, they cannot be heard to contend on appeal that the bond given by plaintiff was insufficient (123-377, 143+978). Mandamus, Ⓒ167, 187(4).